



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## LOK SABHA

The following Bills were introduced on 10-7-98.

BILL No. 49 OF 1998

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-ninth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1998.

2. In article 327 of the Constitution,—

(i) after the words "delimitation of constituencies", the words "and rotation of constituencies reserved for the Scheduled Castes and the Scheduled Tribes" shall be inserted;

(ii) the following proviso shall be added at the end, namely:—

"Provided that while delimiting the constituencies, the number of seats reserved for the Scheduled Castes and the Scheduled Tribes in the House of the People or the Legislative Assembly of a State under article 330 or 332, as the case may be, shall be readjusted in accordance with the proportion of their respective population to the total population of the country, as ascertained at the last preceding census of which the relevant figures have been published."

Short title.

Amendment  
of article 327.

**STATEMENT OF OBJECTS AND REASONS**

In the fiftieth year of Independence it would be in fitness of things to review the system of delimitation of Parliamentary and Assembly Constituencies. It is observed that for decades together the same constituencies continue to be reserved for Scheduled Castes and Scheduled Tribes. This evidently runs contra to the spirit of Parliamentary democracy insofar as the choice of candidates in such reserved constituencies is restricted to those belonging to such classes of people and the people do not have a right to elect representatives of their choice. This is equally unfair to people of non-reserved classes. This practice thus creates a sort of vested interest in reserved seats.

Though even under the existing provisions of article 327, there is no bar on the Delimitation Commission, as and when constituted, to rotate such reserve constituencies, yet reserved seats have never been rotated.

The number of seats reserved for Scheduled Castes and Scheduled Tribes in the House of people or Legislative Assembly of the State are to be suitably increased in accordance with the proportion of their population to the total population of the country. Accordingly, it is proposed to amend the Constitution suitably.

Hence this Bill.

NEW DELHI;  
April 20, 1998.

SUSHIL KUMAR SHINDE

## BILL NO. 57 OF 1998

*A Bill further to amend the Constitution of India*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This act may be called the Constitution (Amendment) Act, 1998.

Short title.

2. In article 171 of the Constitution,—

Amendment of  
article 171.

(i) in clause (3), for sub-clause (c), the following sub-clause and Explanation thereto shall be substituted, namely:—

“(c) as nearly as may be, one-twelfth shall be elected by electorate consisting of persons who have been for at least three years engaged in teaching in any recognised educational institution within the State.

*Explanation:—* In this sub-clause, the Expression “recognised educational institution” means an educational institution which is recognised by the Union Government or the Government of a State.”;

(ii) for clause (5), the following clause shall be substituted, namely:—

“(5) The members to be nominated by the Governor under sub-clause (c) of clause (3) shall consist of persons who have rendered social service or persons having special knowledge or practical experience for a period not less than ten years in respect of such matters as the following, namely:—

Education, medicine, law, art, cinema, co-operative movement, science and culture.”.

**STATEMENT OF OBJECTS AND REASONS**

At present only those teachers who have been teaching in secondary schools and above are eligible to vote in the elections to the Legislative Council from the teachers' constituency. The main object of making representation of teachers in the Legislative Council is to ensure that the problems of all categories of teachers could be effectively redressed in the legislative forum.

The Governor nominates to the Legislative Council of a State such persons who are having special knowledge or practical experience in respect of literature, science, art, co-operative movement and social service. It is proposed to ensure that persons who have rendered social service or associated themselves in various fields like education, medicine, law, cinema and culture are also nominated to the Legislative Council.

Accordingly, it is proposed to amend article 171 of the Constitution with a view to ensuring wide representation of teachers and nomination of persons belonging to different disciplines in the Legislative Council of a State.

Hence this Bill.

NEW DELHI;  
May 12, 1998.

K. C. KONDAIAH

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## BILL NO. 68 OF 1998

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1998.

Short title.

2. In article 51A of the Constitution, after clause (j), the following clause shall be inserted, namely:—

Amendment of  
article 51A.

"(k) to vote at elections to the House of the People, Legislative Assemblies of States and local bodies."

**STATEMENT OF OBJECTS AND REASONS**

The percentage of polling in the elections to the Lok Sabha, Assemblies and other local bodies has not improved inspite of issue of Photo Identity Cards or updating the electoral rolls from time to time. The low percentage of polling has resulted in change of Governments at frequent intervals. In order to ensure clear verdict of the people in all the elections, voting by a citizen should be made compulsory. Therefore, Article 51A needs to be amended to make voting in the elections a duty of every citizen who has become eligible to become a voter.

Hence this Bill.

NEW DELHI;  
May 12, 1998.

K.C. KONDAIAH

**BILL No. 62 OF 1998*****A Bill further to amend the Constitution of India.***

**BE** it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

- 1.** This Act may be called the Constitution (Amendment) Act, 1998.
- 2.** After article 150 of the Constitution, the following article shall be inserted, namely:—

**"150A.** The Union shall charge such fees, as may be prescribed by the Comptroller and Auditor General of India, from a State in respect of auditing and preparation of the Audit Reports of the accounts of that State."

Short title.

Insertion of  
new article  
150A.

Union to  
charge fees  
from States in  
respect of audit  
and accounts.

**STATEMENT OF OBJECTS AND REASONS**

At present, the accounts of the States are being audited by the Comptroller and Auditor General of India and the Audit Reports are submitted to the Governor of the concerned State. The expenditure in respect of the establishment of Comptroller and Auditor General of India and its officers which are situated in all the States are wholly borne by the Central Government. The Central Government does not charge any fee for the work done by the Comptroller and Auditor General of India in respect of audit and accounts of the States. The Central Government has been incurring several crores of rupees every year on the establishment of offices of the Accountant General situated in the States.

Since the financial transaction of the States have considerably increased, the expenditure in relation to the establishment of the offices has also proportionately gone up. It is proposed that the State Governments should also bear some expenditure in respect of accounts and auditing.

Therefore, it is proposed to amend the Constitution with a view to charging fee from the State Governments in respect of audit and accounts of that State.

NEW DELHI;  
May 7, 1998.

K.C. KONDAIAH



**BILL NO. 67 OF 1998*****A Bill further to amend the Constitution of India.***

**BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—**

**1. This Act may be called the Constitution (Amendment) Act, 1998.**

**Short title.**

**2. In article 80 of the Constitution,—**

**Amendment of  
article 80.**

**(i) for clause (3), the following clause shall be substituted, namely:—**

**"(3) The members to be nominated by the President under sub-clause (a) of clause (1) shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely:—**

**Literature, education, science, medicine, law, finance, agriculture, engineering, industry, environment, art and social service.";**

**(ii) in clause (4), for the words "elected members", the words "elected members and the nominated member" shall be substituted.**

**STATEMENT OF OBJECTS AND REASONS**

The intention behind the framers of the Constitution in making provision for nomination by the President to the Council of States was to ensure that experts in various fields who are not able to get themselves elected to the Council of States to enter the Council of States and contribute their expert knowledge for the benefit of the country.

However, at present only persons belonging to limited fields can become members of Council of States. It is proposed to widen the scope of such disciplines so that President is given a wide choice to choose persons for nomination to members of Council of States.

At present, the representatives of each State in the Council of States are elected by the elected members of the Legislative Assembly of the State. The nominated member to the Legislative Assembly has no power to participate in the election of the representatives of the State in the Council of States. Once a member is nominated to the Legislative Assembly, he or she should get all the rights, powers and privileges just like other members of the Legislative Assembly. Therefore, in order to enable nominated member also to participate in the election of members to the Council of States, it is proposed to amend the Constitution.

NEW DELHI;  
May 12, 1998.

K.C. KONDAIAH

**BILL No. 70 OF 1998*****A Bill to amend the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994.***

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This act may be called the Punjab Municipal Corporation Law (Extension to Chandigarh) Amendment Act, 1998. Short title.

45 of 1994. 2. In the Schedule to the Punjab Municipal Corporation Law (Extension to Chandigarh) Act, 1994, for the entry relating to section 5, the following entry shall be substituted, namely:— Amendment of the Schedule.

'Section 5,—

(a) in sub-section (2),—

(i) in the first proviso, for  
"forty and more than fifty",  
substitute "twenty";

(ii) omit second proviso;

(b) in sub-section (5) and the Explanations thereto, for "Punjab Legislative Assembly", substitute "the House of the People".

**STATEMENT OF OBJECTS AND REASONS**

There is no legislative assembly in Chandigarh. Chandigarh is a Union territory and does not elect any representative for Punjab Legislative Assembly. The Constitution of India provides that the member of Lok Sabha representing the constituency which comprises a Municipal Corporation shall be nominated as an associate councillor of that Corporation. The Bill seeks to extend this provision to Municipal Corporation of Chandigarh.

Hence this Bill.

New Delhi;  
May 14, 1998

SATYA PAL JAIN

## BILL No. 58 OF 1998

*A Bill to abolish death penalty to women, children and indigent persons.*

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

45 of 1994.

1. (1) This Act may be called the Abolition of Death Penalty to Women, Children and Indigent Persons Act, 1998.

Short title,  
extent and  
commence-  
ment.

(2) It shall apply to the whole of India.

(3) It shall come into force immediately.

2. In this act, unless the context otherwise provides,—

Definitions.

(i) "child" means any child below the age of fifteen years;

(ii) "death penalty" means a sentence of death in any form passed by a court of law or any other authority including the Village Courts or District Councils or Regional Councils or sentence of death passed by village Panchayats or Sabhas, tribal sabhas or heads of villages or tribes, whether having legal authority or not, in accordance with personal law, custom or usage and includes death penalty for practising witch craft; and

(iii) "indigent person" means and includes any person who has attained the age of sixty years or above and is suffering from any incurable disease or mentally retarded.

Death sentence  
not to be  
awarded to  
women,  
children and  
indigent  
persons.

3. Notwithstanding anything contained in the Indian Penal Code or any other law for the time being in force or custom or usage in practice in India, death penalty shall not be awarded to any woman or a child or an indigent person, notwithstanding the nature of crime committed or caused to be committed and abetted or caused to be abetted by such woman or child or indigent person.

45 of 1860.

Punishment.

4. Any person or persons violating the provisions of this Act shall be punished with rigorous imprisonment for a term not less than ten years and also with fine of rupees one lakh.

**STATEMENT OF OBJECTS AND REASONS**

It has been observed that vulnerable sections of the Society, the women, the children and the indigent persons continue to be the subject of exploitation, including sexual exploitation and abuse and are often placed in circumstances wherein they are liable to commit crimes attracting severe penalties including death penalty. Various customary, religious as well as tribal laws often provide for death penalties for such offences like "adultery" and practising "witch-craft".

A circumstance or situation can hardly be conceived when the persons belonging to weaker sex, the children or the indigent would commit such a crime without enough provocation as to attract the penalty like death.

In a recent case, a woman was sentenced to death. It would only be proper to abolish death penalty for such vulnerable sections such as women, children or the indigent persons.

Hence this Bill.

NEW DELHI;  
May 18, 1998

SUSHIL KUMAR SHINDE

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**BILL No. 72 OF 1998**

*A Bill to provide for abolition of begging and for matters connected therewith or incidental thereto.*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title and  
extent.

1. (1) This Act may be called the Abolition of Begging Act, 1998.

(2) It extends to the whole of India.

Definitions.

2. In this Act unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in all other cases the Central Government;



(b) "beggar" means any person who indulges in begging;

(c) "begging" means—

(i) soliciting or receiving alms or caused to solicit or receive alms in a public place including railways, bus-stops, road sides or any other place where public has access by invoking pity;

(ii) exposing or exhibiting any wound, deformity or disease of self or any other person or of an animal for the purpose of soliciting or collecting alms;

(iii) allowing one self to be used as an exhibit for the purpose of soliciting or collecting alms.

but does not include—

(i) soliciting or receiving money or food or gifts by performing any artistic work or any music or dance or acrobatics or painting work in a public place;

(ii) any offering of money or food received in connection with any religious custom or usage obtained in any religion.

(d) "child" means a boy or a girl who has not attained the age of eighteen years;

(e) "children home" means a children home established under Juvenile Justice Act, 1986;

(f) "court" means any court exercising jurisdiction in the area in which the person accused of begging has been arrested;

(g) "receiving centre" means a centre established under this Act, where any person arrested on the ground of begging shall be kept till he is rehabilitated;

(h) "prescribed" means prescribed by rules made under this Act.

3. Begging by any person in any manner is hereby abolished.

Abolition of begging.

4. Whoever forces or encourages any person, including a child in his care, custody or charge, for begging or whoever uses any person as an exhibit for the purpose of begging shall be punished with rigorous imprisonment for a term which shall not be less than three years and may extend to seven years in case that person collect or solicit alms by forcing two or more persons to indulge in begging.

Punishment for forced begging.

5. (1) Any person found begging shall be arrested by the police and before making every such arrest, the officer-in-charge of the concerned police station shall satisfy himself as to the bonafide of the arrested beggar.

Arrest of persons found begging.

(2) Any person, other than a child, arrested, on the ground of begging shall be sent to a Receiving Centre, to be established in every district by the appropriate Government, wherein such persons shall be provided with facilities for his rehabilitation.

*Explanation.*—For the purpose this section, facilities for rehabilitation means and includes medical care, sustenance and training in agricultural or industrial or other pursuits aiming at gainful employment to the beggars.

(3) Any child arrested on the ground of begging shall be sent to a children home.

6. (1) The Central Government shall constitute a Fund to be called the Beggars' Welfare Fund for the welfare of the beggars.

Beggars' Welfare Fund.

(2) Every beggar shall be given such amount, as may be necessary, but not more than rupees ten thousand out of the fund constituted under sub-section (1) for self-employment.

Formulation  
of schemes and  
plans for  
beggars.

7. (1) The appropriate Government shall formulate such schemes, work out such plans, including plans for provision of education, and create suitable infrastructure in every district so as to enable beggars who take up suitable jobs for earning their livelihood.

(2) The appropriate Government shall set up destitute homes in every district for providing food, shelter and protection to the old, infirm, helpless and destitute persons to ensure that they do not indulge in begging.

Rigorous  
imprisonment  
for organised  
gangs of  
beggars.

8. Any person or persons found running organised gangs of beggars shall be liable to be punished with rigorous imprisonment which may extend to ten years or with fine of not less than rupees five lakhs or with both.

Punishment for  
maiming.

9. Any person maims himself or other person for the purpose of soliciting or collecting alms shall be punished with rigorous imprisonment for a term which may extend to ten years:

Provided that when the person maimed is a child below fourteen years of age or a woman or a person above sixty years of age, the sentence shall not be less than seven years.

Offence to be  
cognizable  
and non-  
bailable.

10. Notwithstanding anything contained in any other law for the time being in force, an offence under this Act shall be cognizable and non-bailable.

Power to make  
rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

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### STATEMENT OF OBJECTS AND REASONS

Despite all efforts made and welfare measures taken by the Central and the State Governments, begging continues unabated all over the country, especially in the metropolitan cities and urban centres. It is not the handicapped, deprived and the destitute who are driven to begging for mere sustenance, but able bodied-persons too take to begging as a regular occupation. There are organised gangs who exploit innocent children and force them into begging not for sustenance of these boys and girls but for gathering alms for the gang leaders and organisers. Quite often these children are maimed before pushing them into beggary. Running of beggars gangs is a highly reprehensible crime and has to be dealt with the severity it deserves. Special provisions have to be made to prevent begging on road crossing which is not only hazardous for those who indulge in such begging, but so for the road users.

Drives launched by different State Governments and Union Territory Administrations and anti-begging legislations enacted by various State Legislatures so far have failed to curb and even contain this menace, which has assumed criminal proportions. As per 1971 Census, the number of beggars in the country was 10 lakhs. Since beggars, by and large, evade census operations, the number should actually be many times more and by now over the period of last 20 years the number should have been risen to several crores.

So far no serious and concerted effort seems to have been made to link prevention, rather abolition, of begging with planned social and welfare programmes. Abolition of begging has to go alongwith programmes for education, training and rehabilitation of the children, women and men found indulging in begging. To root-out the menace of begging from the country, a national perspective has to be created, by developing an infrastructure to tackle begging not only by a legal framework but socially by creating an environment of accommodation and acceptance of beggars in the society, to assure them a life with dignity.

Hence this Bill.

NEW DELHI;  
May 18, 1998

SUSHIL KUMAR SHINDE

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### FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of "Receiving Centres" by the appropriate Government. Clause 6 of the Bill provides for establishment of Beggars' Welfare Fund by the Central Government. Clause 7 of the Bill provides for formulation of schemes and creating suitable infrastructure in every district. The Central Government would have to incur expenditure from the Consolidated Fund of India for the establishment of Receiving Centres, Destitute homes and for formulation of schemes and creating suitable infrastructure in respect of Union territories. As far as the establishment of Receiving Centres, Destitute homes and formulation of schemes and creating suitable infrastructure in the States are concerned, the State Governments will incur expenditure from their respective Consolidated Funds. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees four hundred and fifty crore per annum.

A non-recurring expenditure of about rupees two crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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## BILL No. 59 OF 1998

*A Bill to provide for the establishment of a Technology Bank to assist professionals engaged in research work in various disciplines.*

BE it enacted by Parliament in the Forty-Ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Technology Bank of India Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,  
extent and  
commence-  
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) 'Bank' means the Technology Bank of India established under section 3;

(b) 'prescribed' means prescribed by rules made under the Act;

(c) 'professional' means a researcher or a scientist engaged in research work in space or engineering or medicine including all systems of Indian medicine or energy,

agriculture, chemicals, defence, environment, food processing, non-conventional energy sources, petroleum and allied products, science and technology including bio-technology, electronics and ocean development.

Establishment  
of Technology  
Bank of India.

3. (1) The Central Government shall establish a bank to be known as "Technology Bank of India" with its headquarters at New Delhi.

(2) The Central Government shall establish a branch of the Bank in every State capital and Union territory.

(3) The Bank shall consist of a Chairman and four other members to be appointed by the Central Government.

(4) Every branch of the Bank shall consist of a General Manager and such other officers and staff as may be required.

(5) The terms and conditions of service and appointment, salaries and allowances of Chairman, members and employees of the Bank shall be such as may be prescribed.

Object of the  
Bank.

4. The main object of the Bank shall be to financially assist the professionals in their research work.

Application for  
loan.

5. (1) Every professional wishing to avail of financial assistance from the Bank shall apply to the concerned branch of Bank.

(2) While applying for loan the professional shall furnish all details about his research, experience, infrastructure available with him and required amount of loan and the period for which it is required.

Branch to  
forward  
application to  
head office.

6. The concerned branch shall forward the application to the Head Office with its recommendations with a period of fifteen days from the date of receipt of the application.

Head Office to  
decide on  
sanction of  
loan.

7. (1) The Head Office shall consider the application taking into account the recommendations of the concerned branch and arrive at a decision within a period of fifteen days from the date of receipt of such application.

(2) The Head Office shall have the power either to increase or decrease the amount of loan applied for or the period for which it is sought and its decision thereon shall be final.

Loan.

8. (1) Upon the decision of the Head Office to sanction the loan, the loan amount shall be given to the professional at once.

(2) The loan amount so sanctioned shall be interest free.

(3) The loan amount shall be repayable within such period as may be determined in the terms and conditions governing the loan.

(4) the loan shall be repayable by the professional after his research work has been completed or after a period of five years from the date of sanction of loan, whichever is earlier.

Professional to  
inform  
Government  
about his  
research.

9. Every professional who has been sanctioned a loan by the Bank shall, upon completion of his research work inform the Central Government or the State Government, as the case may be and the Bank about his research work.

Professional  
not to leave the  
country during  
research.

10. (1) Every professional who applies for loan shall give an undertaking that he shall not leave the country during the period of his research:

Provided that the Central Government may, in special circumstances to be recorded in writing, allow a professional to go abroad to acquaint himself with the new techniques which will promote or help in his research work.

(2) No professional who has been sanctioned a loan by the Bank shall leave the country until he has submitted his research work to the Central Government and repaid the loan.

11. The Central Government may, after considering the research work submitted by a professional, give award to him and provide him with suitable employment in an office or organisation under the Central Government.

Employment to Professional.

12. The Central Government shall provide housing and stipend at such rates, as it may determine, to a professional during his research for a period of five years or till he completes his research, whichever is earlier.

Assistance to professionals.

13. If any professional violates the provisions of section 10, deportation proceedings shall be proceeded against him at once and he shall be punished with imprisonment for a period of five years and a fine of rupees five lakh and he shall be required to repay the loan at once.

Punishment.

14. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

Due to lack of facilities and financial assistance, our young researchers and scientists are not able to do any research work or engage themselves in any project. They are lured by multinationals and foreign countries and as a result our country is not able to utilise their talent.

Therefore, it is proposed to encourage our researchers and scientists by giving them all sorts of assistance to do their research work. It is accordingly proposed that the researchers shall be given loan by the bank for their research work and during that period they will be provided with housing and stipend facilities. However, the researchers will submit their papers or project to the Government after the completion of their work so that the country can fully benefit from their work.

The Bill serves two purposes, on the one hand it helps our researchers to do their work peacefully and on the other it helps us to utilise their talent and benefit from their research work.

NEW DELHI;  
May 26, 1998.

JAYANTI PATNAIK

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Technology Bank of India. It further provides for the establishment of offices and branches of the bank in every State Capital and Union Territory. The bank shall consist of a Chairman, four other members, General Manager and other employees. Clause 11 provides that the Central Government shall give award and suitable employment to those who have completed their research work. Clause 12 provides for housing and stipend to researchers for a period of five years.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of rupees five hundred crore. A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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**BILL NO. 66 OF 1998**

*A Bill to provide for comprehensive measures for all-round development of Women and for matters connected therewith or incidental thereto.*

**BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—**

**Short title, extent and commencement.**

**1. (1) This Act may be called the Women Welfare Act, 1998.**

**(2) It extends to the whole of India.**

**(3) It shall come into force at once.**

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means the Central Government or a State Government, as the case may be;

(b) 'destitute woman' means a woman who has been separated, divorced or a widow who has no source of income;

(c) "employer" means—

(i) in relation to an establishment which is under the control of the appropriate Government, a person or an authority appointed by the appropriate Government, for the supervision and control of employees or where no person or authority is so appointed, the head of the department;

(ii) in relation to an establishment under any local authority, the person appointed by such authority for the supervision and control of employees or where no person is so appointed the chief executive officer of the local authority;

(iii) in any other case, the person who, or the authority which, has the ultimate control over the affairs of the establishment and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent or by any other name, such person;

(d) "establishment" means—

(i) a factory;

(ii) a mine;

(iii) a plantation;

(iv) an agricultural field;

(v) an establishment wherein persons are employed for the exhibition of equestrian, acrobatic and other performances; and

(e) "woman" means a woman whether gainfully employed or not.

3. The appropriate Government shall,—

Free education to women.

(a) provide free education upto graduation level for women;

(b) open adequate number of educational institutions including professional and technical institutions, exclusively for women;

(c) reserve fifty per cent of seats in educational institutions for women till such time adequate number of educational institutions exclusive to them have been set up; and

(d) provide scholarships to women pursuing higher education.

*Explanation.—*

In this section, 'free education means' uniform, books and stationery, nutritious meals during school hours, transportation free of cost and no fees for admission or for taking any examination shall be charged.

4. The appropriate Government shall provide a pension at the rate of rupees one thousand and five hundred per mensem, to be revised from time to time, to all destitute women till they are gainfully employed or facilities for self-employment have been created for them or accommodated in women's homes whichever is the earliest.

Provision of pension to destitute women.

5. The appropriate Government shall reserve thirty per cent, of posts and appointments under its control for women.

Reservation of post in Government Services.

6. (1) The appropriate Government shall provide all necessary facilities and infrastructure for women for self-employment.

Facilities and infrastructure for self employment.

(2) For the purpose of sub-section (1), the appropriate Government shall make available loans at very low rate of interest returnable in easy instalments after a period of three years from the date of sanction of loan.

Womens'  
homes.

**7. (1) The appropriate Government shall establish women's homes in every district for accommodating destitute women.**

**(2) In every women's home:—**

- (i) medical care, food and clothes shall be supplied free of cost to the inmates;
- (ii) recreational facilities shall be made available;
- (iii) necessary facilities for self-employment shall be made available.

Insurance  
Scheme for  
women.

**8. (1) The Central Government shall administer an Insurance Scheme for all women.**

(2) The Insurance Scheme so administered shall cater to housewives, working women and self-employed women or working women in both organised or unorganised sectors.

(3) The insurance shall cover against accidents, injuries, illness connected with pregnancy or otherwise or any loss in the self-employment due to natural calamity or any mishap.

(4) The Central Government shall determine the amount of insurance and the premium payable by every woman and the period of the insurance cover thereon.

Welfare fund  
for women  
other than  
working  
women.

**9. (1) The Central Government shall constitute a Fund to be called the Women Welfare Fund for carrying out welfare measures for women other than working women.**

(2) Every State Government shall contribute to the Fund in such a ratio as may be determined by the Central Government.

(3) The Fund shall be utilised for providing necessary facilities to women for pursuing the education, for self-employment and for payment of pension to destitute women.

Working  
Women  
Welfare Fund.

**10. (1) The Central Government shall constitute a Fund to be called Working Women Welfare Fund for carrying out the following purposes:—**

- (i) to ensure the right to work for the women employees in any industry or establishment;
- (ii) to ensure equal wages to women employees;
- (iii) to ensure steady and definite increase of the women employees in the total work force;
- (iv) to ensure after suitable amendments, proper application of the existing labour laws for the benefit of the women employees;
- (v) to ensure child care facilities for the women employees with minimum needs like milk, tiffin, clothes, toys and trained ayahs to look after the children;
- (vi) to ensure mobile child care facilities for agricultural women employees;
- (vii) to ensure retiring rooms with adequate facilities like bathrooms, latrines, etc. at the work-site for the women employees;
- (viii) to ensure residential facilities for the women employees nearest to the place of work;
- (ix) to ensure recreational facilities for the kids of the women employees at the child care centres;
- (x) to ensure proper and adequate security arrangements for the women employees at the work site as well as to and from their residential places;
- (xi) to ensure improved and conducive working conditions for the women employees;
- (xii) to ensure reservation of beds in the hospitals for women employees;
- (xiii) to ensure proper and adequate maternity facilities for the women employees;
- (xiv) to ensure equality for married and unmarried women employees in the

employment as well as in service conditions and wages;

(xv) to ensure hostel facilities for women employees, both married and unmarried, nearest to the place of work;

(xvi) to ensure cheap, safe and quick transportation facilities for women employees;

(xvii) to ensure protection from health hazards, particularly for the women employees working in industries like cashew, mines, tobacco, construction projects, etc.

(2) Every employer and State Government shall contribute to the fund in such ratio as may be fixed by the Central Government.

11. The Government shall ensure representation of women employees in various committees of trade unions formed for the purposes of working class.

Representation of women employees in trade unions.

12. (1) The Central Government shall constitute in every State and Union territory an Advisory Committee in respect of the area at the city level, district level and an apex body at State level, consisting of equal number of representatives from the appropriate Government, the employees and the trade unions, who shall preferably be women, to advise the Central Government on such matters arising out of the administration of this Act as may be referred to it by the Central Government including matters relating to the application of the Fund.

Constitution of Advisory Committees.

(2) The members of committees so constituted shall from amongst themselves elect the Chairmen of the committees.

(3) The Central Government shall publish in the Official Gazette the names of the members of all Advisory Committees.

13. The Central Government shall constitute a Central Advisory Committee which shall coordinate the functioning of all the Advisory Committees for their proper functioning and for the adoption of uniform policies.

Central Advisory Committee.

14. The appropriate Government may, by notification in the Official Gazette, appoint as many officers as it may deem necessary for the proper enforcement of the provisions of this Act.

Appointment of officers.

15. The Advisory Committee at the district level shall maintain a register of women employees in its area and the information contained therein shall be checked with the information supplied by each employer of the area regarding women employed by them and their specific needs, if any.

Register of women employees.

16. Each Advisory Committee shall, as soon as may be, after the end of each financial year, prepare a comprehensive report of its activities of the previous year, which were financed from the Fund, together with a statement of accounts.

Annual report of Advisory Committees.

17. The appropriate Government may require an employer, who employs women in his industry or establishment, to furnish for the purposes of this Act, such statistical and other information, in such form and within such period as may be prescribed.

Employer to furnish information in respect of women employees.

18. The provisions of this Act shall have effect notwithstanding anything inconsistent contained in any other law or in the terms of any award, agreement or contract of employment, whether made before or after the coming into force of this Act, but where under any such award, agreement, contract of employment or otherwise, a woman employee is entitled to benefits in respect of any matters which are more favourable to her than those to which she would be entitled under this Act, she shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that she is entitled to receive benefits in respect of other matters under this Act.

Over-riding effect of the Act.

19. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

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**STATEMENT OF OBJECTS AND REASONS**

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Women constitute more than 50 per cent. of our population. Nevertheless, no attention has ever been given to improve the lot. Today, we find everywhere that women are treated as second grade citizens. They are deprived of even basic education not to speak of higher and technical education. They live in miserable conditions without anybody caring for them. They do not have necessary means and facilities to fend for themselves. Although the Government has done a lot to improve the welfare measures for women, yet they are not sufficient and much has to be done in this area. Girls are not sent to schools on the pretext that the parents do not have sufficient means for spending for their education.

Though we have been voicing for so many years to take steps for protection of interests of women, yet we have never touched the basic sectors like education, employment and health for women. There has been a demand for reservation of seats in legislatures for women. Though this is a welcome step, yet it is most essential that adequate provisions should be made for their improvement.

Therefore, it is proposed to provide for free education to girls, reservation in jobs and facilities for self-employment to women, facilities for working women and for necessary facilities for destitute women.

These measures will go a long way in protection of interests of women as a whole.

NEW DELHI;  
May 26, 1998.

JAYANTI PATNAIK

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### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall provide free education upto graduation level and open educational institutions including professional and technical institutions exclusively for women and for payment of scholarships. Clause 4 provides that the appropriate Government shall provide a pension at the rate of rupees one thousand and five hundred per mensem to all destitute women. Clause 6 provides that the appropriate Government shall provide all necessary facilities and infrastructure for women for self-employment. Clause 7 provides that the appropriate Government shall establish womens' homes in every district for destitute women with food, clothes, medical care and self-employment facilities. Clause 8 provides that the Central Government shall administer an Insurance Scheme for all women. Clause 9 provides constitution of a Women Welfare Fund and Working Women Fund. Clauses 11 and 12 make provision for constitution of Advisory Committees. Though State Governments are also required to contribute to the funds yet their contribution will not be sufficient and the Central Government has to make adequate provisions. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees ten thousand crore is likely to be involved. A non-recurring expenditure of rupees ten thousand crore is also likely to be involved from the Consolidated Fund of India.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 18 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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## BILL No. 61 OF 1998

*A Bill to prevent sexual harassment of women employees at their work places.*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Prevention of Sexual Harassment Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'appropriate Government' means the Central Government or the State Government, as the case may be;

(b) 'employer' in relation to a Government office means—

(i) the head of the Department or supervisor or officer in charge of the affairs of the organisation or the person in charge of the work place where the female employee is employed;

(ii) in relation to any other establishment, the proprietor, supervisor or agent or contractor including sub-contractor or by whatever name called, the person in charge of the affairs of the establishment or work place where the female employee is employed.



(c) 'sexual harassment' means and includes—

- (i) harassing any employee by virtue of her being a female;
- (ii) indecent representation of women with a view to annoy or irritate her and which results in mental injury of a female employee;
- (iii) detaining a female employee before or after normal working hours in the absence of other employees and where there is no work to be performed by that female employee, with a view to outrage her modesty or molest her;
- (iv) paying less wages, or giving of work more than required of her, to a female employee, than her male counterpart;
- (v) refusing to grant leave of absence to a female employee or permission to her during her pregnancy/termination of pregnancy or other periods when she would not be physically or biologically fit to perform her work to her fullest capacity;
- (vi) passing of obscene or lewd comments against a female employee or in her presence;
- (vii) making a female employee attend office on holidays or come to such place where her presence is not required in connection with her employment;
- (viii) compelling a female employee to attend a party/dance or any musical programme or to dine with her employer or any other person if the female employee is not willing to do so;
- (ix) refusal to allow rest to a female employee as provided under the provisions of any other law for the time being in force;
- (x) making her dress in a way which would present her in an obscene manner;
- (xi) make her perform such a job or duty which would denigrate her personality;
- (xii) touching or otherwise fondling or flirting bodily of a female employee in the guise of teaching her the job or help her in her job;
- (xiii) making her perform such duties which she cannot with her physical condition would be able to perform;
- (xiv) gestures or actions either by word or by written material intending to insult or cause mental injury to a female employee;
- (xv) showing pornography or other obscene literature to a female employee;
- (xvi) sexual advances with a view to assault or molest or outrage modesty of a female employee;
- (xvii) offering unwanted suggestions or advice about physical appearance or on other matters of a female employee with a view to hurt her;
- (xviii) doing of any other act or causing any act by using his position as an employer with a view to exploiting a female employee.

3. (1) The appropriate Government shall designate an officer, who shall be a woman, as it may deem fit, to be the Special Officer in every department or office under its jurisdiction to deal with cases arising out of this Act.

(2) The Special Officer so designated under sub-section (1) shall deal with complaints lodged by female employees in her department or office or establishment.

Special Officer  
to deal with  
cases in the  
Government  
offices.

Special Officer  
for every  
district

**4. The appropriate Government shall appoint a Special Officer, who shall be a woman, for every district to deal with cases arising out of provisions of this Act within the jurisdiction of that district.**

Women  
employees not  
to be harassed

**5. No person being an employer or manager or supervisor in charge of the office/ organisation or a factory or establishment or any other work place or any other employee or any other person shall indulge or caused to be indulged in sexual harassment of women employees.**

Women  
employees to  
approach  
Special Officer  
in case of  
harassment.

**6. If any female employee has been subject to sexual harassment, she may approach the concerned Special Officer for redressal of her grievances.**

Special Officer  
to make  
inquiries.

**7. As soon as a complaint has been lodged with the Special Officer, she shall make or caused to be made an inquiry into the facts and circumstances of the complaint.**

Special Officer  
to recommend  
action against  
guilty.

**8. If after inquiry, the Special Officer finds any person guilty of violating the provisions of this Act, she shall—**

(a) in case the guilty is an employee of the Government, recommend to the appropriate authority for taking such disciplinary action as she may deem fit;

(b) in case the guilty is not employed in Government service, recommend to the employer or other person in charge of the affairs of the organisation where the accused is employed, recommend such action as she may deem fit:

Provided that if it is brought to the notice of the Special Officer that no action has been taken by the employer or the person in charge of the affairs of the organisation where the accused is employed—

(i) in case it is an office or establishment under the control of the appropriate Government, the appropriate Government may terminate the services of both the accused person and the person in charge of the office where the victim is employed;

(ii) in case the work place where the victim is employed is not under the control of the Government, the facilities and concessions extended to that organisation by the appropriate Government shall be withdrawn forthwith.

Special Officer  
to have powers  
of a Civil  
Court.

**9. A Special Officer while discharging her functions under the provisions of this Act shall have the powers of a Civil Court and the proceedings thereof shall be in accordance with the Code of Civil Procedure, 1908.**

Punishment.

**10. Any person who violates the provisions of this Act shall be punished with imprisonment for a period of not less than seven years and with fine not less than fifty thousand rupees and shall be disqualified from entering the Government service.**

Power to make  
rules.

**11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.**

## STATEMENT OF OBJECTS AND REASONS

Women are weaker and vulnerable sections of the society. They are a harassed lot. They are subject to sexual harassment at their work places by the employers and others. Despite the increased contribution by women in the nation building activities, they are still treated as second-class citizens. Employers, proprietors and others use their position to their advantage and exploit women employees. Even the Supreme Court has directed the Government to legislate a law for preventing sexual harassment of women employees.

The Bill proposes to prevent the sexual harassment of women employees by awarding suitable punishment to the guilty. The Bill also seeks to make provision for speedy redressal of the grievances of the female employees.

Hence this Bill.

NEW DELHI;  
May 26, 1998.

JAYANTI PATNAIK

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### FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the appropriate Government shall appoint a Special Officer for every district to deal with cases arising out of sexual harassment of women employees. Some officers and staff may have to be recruited to assist the Special Officers in discharging their functions. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India in respect of appointment of Special Officers, etc. for Union territories. Though the concerned State Governments will meet the expenditure in regard to the provisions of the Bill from their respective Consolidated Funds, yet the Central Government may have to assist the State Governments with necessary financial assistance for implementing the provisions of the Bill. It is expected to incur an annual recurring expenditure of about rupees twenty five crore from the Consolidated Fund of India. A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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## BILL NO. 69 OF 1998

*A Bill further to amend the Constitution of India.*

Enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1998.

Short title.

2. After Chapter V, the following Chapter and articles shall be inserted, namely:—

Insertion of  
new Chapter  
V-A.

## CHAPTER V-A — PRESS INFORMATION BUREAU

"151A. (1) There shall be established a Press Information Bureau.

Press  
Information  
Bureau.

(2) The Press Information Bureau shall consist of a Chairman and four other members who shall be appointed by the President by warrant under his hand and seal and shall only be removed from the office in like manner and on like grounds as a Judge of a Supreme Court.

(3) Every person appointed to be the Chairman and a member of the Press Information Bureau shall, before he enters upon his office, make and subscribe before the President, or some person appointed in that behalf by him, oath or affirmation according to the form set out for the purpose in the Third Schedule.

(4) The salary and other conditions of service of the Chairman and other members of the Press Information Bureau shall be such as may be determined by Parliament by law and until they are so determined shall be equal to the salaries and allowances payable to or in respect of a judge of the Supreme Court:

Provided that neither the salary of the Chairman and other members of the Bureau nor their rights in respect of leave of absence, pension or age of retirement shall be varied to their disadvantage after their appointment."

"151B. (1) The Press Information Bureau may establish its offices or branches in such places as it may determine.

Establishment  
of offices and  
branches.

(2) On and from the date of commencement of the Constitution (Amendment) Act, 1998, every newspaper or magazine or periodical shall register themselves with the Press Information Bureau within a period of one month.

(3) The Press Information Bureau may at its discretion either register a newspaper or magazine or periodical or refuse to register such newspaper or periodical or magazine and in that case give its reasons in writing."

Meetings.

"151C. (1) The Press Information Bureau may hold meetings periodically but no such meeting shall be held later than two months from the date of its previous meeting.

(2) All the meetings shall be presided over by the Chairman of the Press Information Bureau and in his absence a member to be elected by the members themselves.

Recommendations to Central and State Governments.

151D. (1) The Press Information Bureau may recommend to the Central Government or a State Government as the case may be, for provision of such facilities as it may deem fit to every newspaper or periodical or magazine.

(2) Every newspaper or periodical or magazine shall have access to information in all offices under the control of the Union or a State or a local authority or corporations or companies or establishments owned or controlled by the Union or a State Government or a Union territory Administration or a local authority, as the case may be, in such manner as may be determined by the Press Information Bureau.

(3) The Press Information Bureau while determining the nature of information to be thrown open to the Press may take into account the interest of the security, unity and integrity of the State, possible hatred among different religions and communities and possible tension among general public, the information, if disclosed, will create."

Cancellation of registration.

151E. (1) The Press Information Bureau may, if it is satisfied that any newspaper or periodical or magazine takes undue advantage of the facilities given to it by which the security, unity and integrity of the State is affected or communal hatred is advocated or promoted or general tension among the public is generated, send a show-cause notice as to why the registration of such newspaper or periodical or magazine should not be cancelled.

(2) The Press Information Bureau may on receiving the reply and supporting documents, if any, from the newspaper or periodical or magazine, consider the relevant facts and circumstances of the case and arrive at a decision within a month from the date of receipt of the reply from the newspaper or periodical or magazine.

(3) The decision of the Press Information Bureau shall be final and if the registration of such a newspaper or periodical or magazine is cancelled, all facilities afforded to it shall stand withdrawn from that date."

Amendment of the Third Schedule.

3. In the Third Schedule to the Constitution,—

(i) for the words "Articles 75(4), 99, 124(6), 148(2)," the words "Articles 75(4), 99, 124(6), 148(2), 151A," shall be substituted;

(ii) for heading (IV), the following heading shall be substituted, namely:—

#### IV

Form of oath or affirmation to be made by the Supreme Court, the Comptroller and Auditor-General of India and the Members of the Press Information Bureau:—

"I, A.B., having been appointed Chief Justice (or a Judge) of the Supreme Court of India (or Comptroller and Auditor-General of India or Chairman/member of Press Information Bureau) do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or illwill and that I will uphold the Constitution and the laws."

## STATEMENT OF OBJECTS AND REASONS

Eversince our country attained Independence our Press has been very active. The Press served the country usefully by disclosing several scandals and bringing to book several culprits involved in heinous crimes. Today our Press is one of the largest in the world, second only to developed countries.

In the recent past our country has witnessed several instances of violence among different religions, different communities and different sections of the society. There has been communal tension present since long. Although our Press while publishing news takes into account the interests of the country, yet knowingly or unknowingly certain newspapers and magazines publish news which create problems and promotes hatred among several sections of the society. Due to this the communal tension flares up and increases the tension as a result. These newspapers and magazines should be taken to task.

Our newspapers and magazines, larger and smaller in size, numbering more than one thousand, face certain problems in getting assistance from the Government like newsprint, concession in import duty relating to press and printing materials, etc. At present they do not have unrestricted access to various public offices in the country thereby limiting sources of their information. Press is the largest media in the country which reaches all sections of the society and which creates awareness among the public at large. Therefore, they should have certain facilities like access to information in public offices though with certain restrictions like information which may involve security, unity and integrity of the country or creation of hatred among the various sections of the society.

At present, there is a Press Information Bureau functioning under the control of the Central Government. The Bill seeks to give the Press Information Bureau a constitutional status and also to free it from the clutches of the Government by giving them suitable powers to regulate the functioning of newspapers and magazines. This measure will go a long way in efficient democratic functioning of the country.

NEW DELHI;  
May 26, 1998.

JAYANTI PATNAIK

### FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for establishment of a Press Information Bureau consisting of a Chairman and four other members. Already a Press Information Bureau is functioning. However, some expenditure will be involved from the Consolidated Fund of India in respect of the salaries and allowances of the Chairman and four other members. It also provides that the Central Government shall assist newspapers and magazines in such manner as suggested by the Press Information Bureau. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is, likely to involve an annual recurring expenditure of about Rs. 10 crore from the Consolidated Fund of India. A non-recurring expenditure of about Rs. 2 crore is also likely to be involved.

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## BILL NO. 74 OF 1998

*A Bill to amend the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975.*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Cigarettes (Regulation of Production, Supply and Distribution) Amendment Act, 1998.

Short title,  
extent and  
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the long title of the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975 (hereinafter referred to as the principal Act), after the word "cigarettes", the words "and other tobacco products" shall be inserted.

Amendment of  
Long Title.

49 of 1975

Amendment of  
section 2.

3. In section 2 of the principal Act,—

(i) in clause (b), in sub-clause (ii), for the words "but does not include" the words "and also includes" shall be substituted.

(ii) for clause (m), the following clause shall be substituted, namely:—

"(m) "specified warning" in relation to cigarettes means the following warning, namely:—

"Cigarette smoking is injurious to health";

and in relation to any other tobacco product means the following warning, namely:—

"Chewing/Consumption of (name of product) is injurious to health."

(iii) after clause (m), the following clause shall be added, namely:—

"(n) "tobacco product" means tobacco in any form and its mixtures and blends with other substances or ingredients, which are used for smoking, chewing, sniffing or consumption and shall include *Gutka, Khaini*, and such other similar products, by whatever name called."

Insertion of new  
section 2A.

4. After section 2 of the principal Act, the following section shall be inserted, namely:—

"2A. The provisions of this Act shall, *mutatis mutandis*, apply to other tobacco products."

Application of  
provisions of the  
Act to other  
tobacco  
products.

Substitution of  
new section for  
section 7.

5. For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. No warning shall be deemed to be in accordance with the provisions of this Act, if the height and breadth of each letter used in such warning is less than five millimetres."

Size of letters.

Insertion of new  
sections 7A and  
7B.

6. After section 7 of the principal Act, the following sections shall be inserted, namely:—

"7A.(1) No person shall blend or treat cigarettes or any tobacco product with any additives, narcotics or psychotropic drugs.

(2) Any person who violates the provisions of sub-section (1) shall be punishable with rigorous imprisonment for a term which may extend to ten years, or with fine which may extend to ten lakh rupees, or with both.

Prohibition on  
bleeding or  
treating of  
cigarettes and  
tobacco products  
with additives,  
etc.

7B (1) Sponsoring of any national or international sports events in India through advertisements of cigarettes and other tobacco products by any manufacturer of cigarettes or tobacco products is hereby prohibited.

(2) Telecasting and broadcasting of advertisements of cigarettes and other tobacco products is hereby banned."

Prohibition on  
sponsoring of  
sports events by  
cigarette  
manufacturers,  
etc.

Amendment of  
section 17.

7. In section 17 of the principal Act, for the words "which may extend to three years, or with fine which may extend to five thousand rupees", the words "which may extend to seven years, or with fine which may extend to fifty thousand rupees" shall be substituted.

## STATEMENT OF OBJECTS AND REASONS

Smoking of cigarettes and *beedis* and consumption of tobacco products like *Gutka* and *Khaini* have been claiming a large number of human lives year after year. Throat and lung cancer, lung infections including T.B., heart ailments and other tobacco related diseases have assumed menacing proportions accounting for high percentage of deaths every year.

It has, therefore, become necessary to regulate, control and even ban production, sale and distribution, not only of cigarettes, *beedis* and rolls of tobacco used for smoking but also of other tobacco products, including *Gutka* and *Khaini*. It has also been noticed that tobacco products are treated and blended with additives and psychotropic drugs resulting in addition, which often proves fatal.

It is, therefore, proposed to enlarge the scope of the Cigarettes (Regulation of Production, Supply and Distribution) Act, 1975 by making necessary provisions to regulate the production, supply and distribution of other tobacco products, warn the users of tobacco products of dangers they are exposed to and to make the punishment for offences relating to production and supply of such harmful products deterrent enough to make them effective.

Hence this Bill.

NEW DELHI;  
May 29, 1998.

P. S. GADHAVI

## BILL NO. 63 OF 1998

*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1998.

Short title.

2. In clause (a) of article 51A of the Constitution, for the words “and the National Anthem”, the words “the National Anthem and the National Song” shall be substituted.

Amendment of  
article 51A.

## STATEMENT OF OBJECTS AND REASONS

Article 51A of the Constitution of India relating to the Fundamental Duties of citizens, *inter-alia*, provides that it shall be the duty of every citizen of India to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem.

The framers of the Constitution recognized "Vande Mataram" as the National Song of India and gave it a status equal to the National Anthem "Jana Gana Mana". In this connection, a statement made by Dr. Rajendra Prasad, President of the Constituent Assembly of India in the Assembly on the 24th January, 1950 is reproduced below:—

"The composition consisting of the words and music known as *Jana Gana Mana* is the National Anthem of India, subject to such alterations in the words as the Government may authorise as occasion arises; and the song *Vande Mataram*, which has played a historic part in the struggle for Indian freedom, shall be honoured equally with *Jana Gana Mana* and shall have equal status with it. I hope this will satisfy the Members."

In Parliament, the National Anthem is played at the commencement and the National Song is played on the concluding day of each session of the Parliament. Several State Legislatures also do so.

It is, therefore, appropriate that respect for the National Song may also be included in the Constitution as one of the Fundamental Duties of every citizen.

The Bill seeks to achieve the above objective.

NEW DELHI;  
June 3, 1998.

KRISHAN LAL SHARMA

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## BILL No. 64 OF 1998

*A Bill further to amend the Constitution of India.*

Enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

**1.** This Act may be called the Constitution (Amendment) Act, 1998.

Short title.

**2.** In article 239AA of the Constitution, in sub-clause(a) of clause (3), the words "except matters with respect to Entries 1, 2 and 18 of the State List and Entries 64, 65 and 66 of that List in so far as they relate to said Entries 1, 2 and 18" shall be omitted.

Amendment of  
article 239AA.

## STATEMENT OF OBJECTS AND REASONS

The Constitution (Sixty-Ninth Amendment) Act, 1991 inserted a new Article 239AA to provide for a Legislative Assembly and a Council of Ministers for the Union Territory of Delhi which was renamed as the National Capital Territory of Delhi. *Vide* clause (3) of the said article, the Legislative Assembly has been empowered to make laws for the whole or any part of the National Capital Territory with respect to any of the matters enumerated in the State List or in the Concurrent List except matters with respect to Entries 1 (public order), 2 (police) and 18 (Land) of the State List.

It is felt that matters like public order, police and land can be better looked after by the Legislative Assembly, the Council of Ministers and the Delhi Administration. Experience shows that there is no particular advantage in retaining these functions with the Central Government. In fact, dual control, as exists at present, results in lack of accountability of the administration to the people.

The Bill seeks to achieve the aforesaid objective.

NEW DELHI;  
June 3, 1998.

K.L. SHARMA

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## BILL NO. 65 OF 1998

*A Bill to amend the prevention of Insults to National Honour Act, 1971.*

Be it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.           **1.** This Act may be called the prevention of Insults to National Honour (Amendment) Act, 1998.

Amendment of section 3.           **2.** In section 3 of the Prevention of Insults to National Honour Act, 1971, after the words "the Indian National Anthem", the words "and the National Song of India" shall be inserted. 69 of 1971.



## STATEMENT OF OBJECTS AND REASONS

The prevention of Insults to National Honour Act, 1971 provides for punishment to any person who intentionally prevents the singing of the Indian National Anthem or causes disturbance to any assembly engaged in such singing.

The framers of the Constitution recognised "*Vande Mataram*" as the National Song of India and gave it a status equal to the National Anthem "*Jana Gana Mana*". In this contest Dr. Rajendra Prasad, President of the Constituent Assembly of India made the following statement in the Assembly on the 24th January, 1950.

"The composition consisting of the words and music known as the *Jana Gana Mana* is the National Anthem of India, subject to such alterations in the words as the Government may authorise as occasion arises; and the song *Vande Mataram*, which has played a historic part in the struggle for Indian freedom, shall be honoured equally with *Jana Gana Mana* and shall have equal status with it. I hope this will satisfy the Members."

In Parliament, the National Anthem is played at the commencement and the National Song is played on the concluding day of each session of the Parliament. Several State Legislatures also do so.

It is, therefore, appropriate that intentionally preventing of the singing of the National Song *Vande Mataram* or causing disturbance to any assembly engaged in such singing is also made a punishable offence under the Prevention of Insults to National Honour Act, 1971.

The Bill seeks to achieve the above objective.

New Delhi;  
June 3, 1998.

KRISHAN LAL SHARMA

## BILL NO. 76 OF 1998

*A Bill to provide for the abolition of child labour in hazardous employment and for matters connected therewith.*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Abolition of Child Labour in Hazardous Employment Act, 1998.

(2) It extends to the whole of India.

(3) It shall come into force immediately.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means the Central Government or a State Government, as the case may be;

(b) "child" means a person who has not completed his fifteenth years of age;

(c) "employer" means the person who engages a child in hazardous job or employment or who has the ultimate control over the affairs of an establishment where work hazardous in nature is carried out;

61 of 1986.

(d) "hazardous employment" means an employment or a job or occupation in an enterprise or an establishment or any place where the worker is exposed to hazards to life or such exposure which results in accident, chronic diseases, grievous hurt, depravity or degeneration of life including immoral or criminal acts and includes any other such establishments as specified in the Child Labour (Prohibition and Regulation) Act, 1986.

3. Child labour in any form in a hazardous employment is hereby abolished.

Abolition of  
child labour.

4. Whoever engages a child in any hazardous employment shall be punished with imprisonment for a term which shall not be less than three years or with fine which shall not be less than rupees twenty five thousand:

Punishment.

Provided that if such child—

(a) is a girl child; or

(b) is a bonded child; or

(c) is engaged—

(i) in jobs involving any moral turpitude;

(ii) in jobs having direct impact on the morality of the child; or

(iii) in flesh trade.

such employer shall be punished with imprisonment for a term which shall not be less than five years and with fine which shall not be less than fifty thousand rupees but which may extend to rupees one lakh in case of an employer in flesh trade.

5. If any police officer responsible for registering cases for violation of provisions of this Act, refuses to register a case or otherwise aids or abets the commission of an offence under this Act, he shall be punished with imprisonment for a term which shall not be less than two years and with fine which shall not be less than twenty thousand rupees.

Punishment in  
case of not  
registering of  
cases.

6. The appropriate Government shall publish a list of hazardous employments within its jurisdiction immediately.

Publication of  
list of  
hazardous  
employment.

7. The provisions of this Act, or the rules made thereunder shall be in addition to, and not in derogation of any other law for the time being in force or any rules, order or any instructions issued thereunder, enacted for the prohibition and regulation of child labour.

Act to be in  
addition to and  
not in  
derogation of  
any other law.  
Power to make  
rules.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

## STATEMENT OF OBJECTS AND REASONS

Article 24 of the Constitution prohibits the employment of children below 14 years of age in any factory or mine or engaged in any other hazardous employment. Every child has a right against exploitation. The very fact that the child is kept away from school and is made to work for earning bread itself speaks that the child is being exploited. In a welfare State like ours, it is the duty of the Government to provide education to the children and ensure that they are not exploited in any manner.

Yet the growing population of the country, a high percentage of which, over 35 per cent continues to live below the poverty line explains the inevitability of huge work force comprising of children. The children are sent to work by the parents for earning the livelihood. In most of the cases the children are forced to work in jobs and employment which are hazardous in nature. Despite the constitutional provisions prohibiting employment of children in hazardous jobs, millions of children continues to work in fireworks and match factories, glass and bangle factories and carpet factories and mines, etc.

It is a matter of pity that children are forced to beg by their parents and other persons. Children are engaged in immoral and illegal activities. Several children are engaged as carriers of drugs by smugglers and others. Reports of minor girls finding their way into flesh trade are rampant.

An effort was made in the year 1986 to prohibit and regulate employment of children in hazardous jobs. However, "hazardous employment" has not been defined till date. An attempt has been made to define hazardous employment as an employment which is hazardous not only physical in nature but also a threat to mental character of children.

The Act in the year 1986 has failed to provide any deterrent punishment for employment of children in hazardous jobs and as such the number of child workers in various jobs has continued to increase during the last ten years.

Therefore, it is proposed to make stringent provision not only for employment of children in hazardous jobs but also in illegal and immoral activities.

The Bill seeks to achieve the above objectives.

NEW DELHI;  
June 4, 1998.

SUSHIL KUMAR SHINDE

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the provisions of this Bill. Since the matters for which the rules will be made are matters of detail only, the delegation of legislative powers is of a normal character.

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## BILL NO. 60 OF 1998

*A Bill further to amend the Income-tax Act, 1961.*

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Income-tax (Amendment) Act, 1998.

Amendment of  
section 10.

2. In section 10 of the Income-tax Act, 1961, for clause (13A), the following clause shall be substituted, namely:—

“(13A) (i) any payment received by an employee of the Central Government or a State Government or a local authority towards house rent allowance (by whatever name called); and

(ii) any payment of the nature referred to in sub-clause (i) received by an employee, other than an employee of the Central Government or a State Government or a local authority, subject to such limit as the Central Government may, by notification in the Official Gazette, specify in this behalf.”.

## STATEMENT OF OBJECTS AND REASONS

Section 10(13A) of the Income-tax, 1961, *inter alia*, provides for exemption from income tax of the allowances of the nature of house rent allowance granted by the employer to the employees. Rule 2A of the Income-tax Rules, 1962 made under that section provides for the limits of exemptions and the conditions subject to which such exemption may be allowed. An employee seeking for exemption is required to submit necessary proof in the nature of rent receipts, etc. to the drawing and disbursement officer. Provision under section 10(13A) in the present form, while not contributing to revenue in any substantial manner, has caused much harassment to the employees, works as an impediment to the movement of increasing housing stock in the country and adds to avoidable work of the employers for the following reasons :—

- (a) due to reluctance of landlords to issue rent receipts or not to issue the receipt for the full amount of rent tendered, employee-tenants are made to suffer either by not claiming the exemption at all or exposing themselves to suffer the vagaries of law by producing false receipts or to succumb to the pressures of landlords by giving extra money for getting a receipt;
- (b) employees in general and the Government employees in particular do not have the much desired incentive to build houses for their own living since the net receipt of the amount of house rent allowance gets reduced because of taxability thereof;
- (c) Government employees in occupation of Government accommodations and having built up houses by them or by their family members at the station of work avoid moving to these houses as the taxability of the house rent allowance which they get works as a disincentive leading to shortage of Government accommodation in turn adding to woes of those waiting in-turn for allotment; and
- (d) employers are put to avoidable trouble of collecting rent receipts and going into the genuineness and adequacy thereof thus adding to their troubles.

The Central Government long back abandoned its dual policy in matter of house rent allowance entitlement—one, for those claiming house rent allowance on the production of a rent receipt, two, for those without a rent receipt or living in the houses owned by them or their family members. Both husband and wife are entitled to full house rent allowance if they are employees of Central Government. The logic of the matter is that one who has not been provided an accommodation by the employer is meeting expenditure towards renting a house or maintaining a house owned by him or his family wherein he is living and hence the entitlement.

The Bill provides that the house rent allowance paid to a Government employee shall not be included in his total income and for those in the employments other than the Government, the Central Government shall determine the amount of their exemption through a notification. Exemptions of the gratuity, leave travel concession, etc. under section 10 of the Income-tax Act, 1961 are similarly regulated.

The Bill seeks to achieve the above objects.

NEW DELHI;  
March 31, 1998.

SATYA PAL JAIN

PRESIDENT'S RECOMMENDATION UNDER ARTICLES 117 AND 274 OF THE  
CONSTITUTION OF INDIA

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[Copy of letter No. 142/20/98-TPL, dated 2 June, 1998 from Shri Yashwant Sinha, Minister of Finance to the Secretary-General, Lok Sabha.]

The President, having been informed of the subject matter of the Income-tax (Amendment) Bill, 1998 (*Amendment of section 10*) by Shri Satya Pal Jain, Member of Parliament, has recommended, under clause (1) of article 117 and under clause (1) of article 274 of the Constitution, the introduction of the Bill in Lok Sabha.

S. GOPALAN,  
*Secretary-General.*